

COLLIN COUNTY, TEXAS

acts and omissions occurred, were legally excused or justified.

5. Plaintiff's claims are barred by the "one satisfaction" doctrine.

6. Plaintiff failed to mitigate or minimize their alleged damages.

7. Defendants deny that all conditions precedent to a right of recovery have been satisfied.

8. Plaintiff's claims are barred by the applicable statute of limitations.

9. Plaintiff's claims are barred by the statute of frauds.

10. Plaintiff's claims are barred by the doctrine of unclean hands and *in pari delicto*.

11. Plaintiff has failed to state a claim upon which relief may be granted.

12. Any and all conduct or activity by Defendants alleged by Plaintiff conformed to any and all applicable state and federal statutes, codes, and regulations at all times relevant herein.

13. Any award of pre-judgment interest is limited by the dates and amounts as set forth in Chapter 304 of the Texas Finance Code and/or Chapter 41 of the Texas Civil Practice & Remedies Code.

14. Defendants claim all offsets and credits available under Chapter 33 of the Texas Civil Practice and Remedies Code.

15. Plaintiff's claims are barred due to the doctrines of ratification and affirmation.

16. Plaintiff affirmed the debt.

WHEREFORE, PREMISES CONSIDERED, Defendants request that Plaintiff take nothing on each and every claim in his Petition. Defendants further pray that they recover such other and further legal or equitable relief to which they may be justly entitled.

Respectfully Submitted,

/s/ Jeremy Overbey

J. Allen Smith

Texas Bar I.D. 18616900

*asmith@settlepou.com*

Jeremy J. Overbey

Texas Bar I.D. 24046570

*joverbey@settlepou.com*

Laura L. Pickens

Texas Bar I.D. 24083661

*lpickens@settlepou.com*

SETTLEPOU

3333 Lee Parkway, Eighth Floor

Dallas, Texas 75219

(214) 520-3300

(214) 526-4145 (Facsimile)

ATTORNEYS FOR LSF9 MORTGAGE  
HOLDINGS, LLC, U.S. BANK TURST,  
N.A., AS TRUSTEE FOR LSF9 MASTER  
PARTICIPATION TRUST, and SUMMIT  
TRUSTEE SERVICES, LLC

**Certificate of Service**

I certify that this document was served in accordance with the Texas Rules of Civil Procedure on November 2, 2015, by the manner indicated upon the following persons:

Via CM/RRR No. 9414 7266 9904 2048 1412 69

Albert B. Greco, Jr.

Law Offices of Albert B. Greco, Jr.

7107 Schafer Street

Dallas, Texas 75252

*abgreco@grecolaw.com*

Plaintiff

/s/ Jeremy Overbey

Jeremy Overbey